

CV 12 4020

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ AUG 10 2012 ★

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Maurice Copeland
Pro Se Plaintiff,

LONG ISLAND OFFICE
Docket No.: _____

-against-

COMPLAINT
JURY TRAIL DEMAND

FEUERSTEIN, J

BROWN, M. J.

Robert Trotta Shield# 113813362,

Individually and his official Capacity,
Suffolk County Police Dept.

Patricia Brosco, Individually and her Official Capacity,
Suffolk County District Attorneys Office.

Andrew Heffernan, Individually and his Official Capacity,
Suffolk County District Attorneys Office.

Tracy Gaffey, Individually and her Official Capacity,
Federal Defenders of New York Inc.

Christopher C. Cafferone, Individually and his Official Capacity,
United States Attorneys Office.

Honorable Joanna Seybert, Individually and her Official Capacity

John Doe, Individually and his Official Capacity
Federal Bureau of Investigation.

Jane Doe, Individually and her Official Capacity
Federal Bureau of Investigation.

-Defendants-

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Plaintiff Address

Maurice Copeland
Queens Detention Center
182-22 150th ave.
Jamaica, New York 11413

Defendants Address

Patricia Brosco & Andrew Heffernan
District Attorney of Suffolk County
North County Complex Bldg. 77
Veterans Memorial Highway
Hauppauge, New York 11787

-or-

District Attorneys of Suffolk County
210 Centre Dr.
Riverhead, New York 11901

Defendant Address

Tracy Gaffey
L.I. Federal Courthouse
770 Federal Plaza
Central Islip, New York 11722

Defendants Address

Christopher C. Cafferone
United States Attorneys Office
Eastern District of New York
610 Federal Plaza
Central Islip, New York 11722

Defendants Address

Detective Robert Trotta
Suffolk County Police Dept..
400 Middle Country Rd.
Selden, New York 11784

Defendants Address

Honorable Judge Joanna Seybert
United States District Court
Eastern District Of New York
Central Islip, New York 11722

Defendants Address

John Doe & Jane Doe
FBI Office
Melville, New York

This Action Arises under **Title 42 of the United States Code 1983**

Case Summary

On May 25th, 2010 I was arrested by the Suffolk County Police Department on charges of possession of a controlled substance in the 3rd degree with intent to sell New York Penal Law 220.16, and among other charges.

On may 26, 2010 I was arraigned on said charges in state court and then indicted on June 2, 2010 in state court for said charges. On or about July 17, 2010 I was released on a bond from the Suffolk County Jail.

In November of 2010 me and my attorney Ira Weissman filed a motion for a suppression hearing in the state court to challenge the consent form signed by Tina Sarubbi giving the "S.C.P.D." permission to search her house and to suppress the drugs found on May 25, 2010.

On November 30, 2010 after we filed the motion for a suppression hearing in state court, detective Robert Trotta of the "S.C.P.D." filed a felony complaint in federal court to have my state court prosecution removed to federal court so that I can be prosecuted in federal court for the same offense that I was already being prosecuted for in state court.

Then on December 8, 2010 while at the bus stop with my children I was arrested by detective Robert Trotta of the "S.C.P.D." and bought into federal custody on charges of possession with the intent to distribute cocaine base Title 21 Section 841. I was arraigned on December 8, 2010 for said charges and then indicted on said charges on January 6, 2011 in federal court.

**Complaint On Detective Robert Trotta
of the SCPD shield # 113813362**

Detective Robert Trotta of the "S.C.P.D." conspired with others to violate my constitutional rights and to have me unlawfully imprisoned into federal custody.

On December 8, 2010 while at the bus stop with my children I was unlawfully arrested by detective Robert Trotta without probable cause or an arrest warrant, and bought into federal custody. I was arrested without probable cause because the offense I was arrested for is the same offense I already was arrested for on May 25, 2010 by the "S.C.P.D." and was already being prosecuted for in state court.

Also dectective Robert Trotta of the "S.C.P.D." intentionally deceived the courts because he failed to mention in his felony complaint that he filed on November 30, 2010 in federal court that I had already been arrested for this offense by the "S.C.P.D." on May 25, 2010, and that I was being prosecuted in state court for this offense at the time he filed the felony complaint in federal court.

The reason why detective Robert Trotta filed a felony complaint in federal court November 30, 2010 while my state court prosecution was still in effect was because in November 2010 me and my attorney Ira Weissman filed a motion in state court to challenge the consent form signed by Tina Sarubbi because the Suffolk County Police detectives coerced and threatened her into signing that consent form, and we also wanted to suppress the drugs found on May 25, 2010. Detective Robert Trotta and the District Attorneys' on my case in state court did not want me to have that suppression hearing because they felt I would win and the case would be disposed of. So detective Robert Trotta and the District Attorneys' came up with the scheme to have my case unlawfully removed to federal court so that I could not have my suppression hearing in state court.

Complaint on Patricia Brosco & Andrew Heffernan

Patricia Brosco and Andrew Heffernan were the District Attorneys' on my case in state court who intentionally conspired with others to violate my constitutional rights and to unlawfully have my state court case and its jurisdiction removed to federal court so that I could unlawfully be imprisoned into federal custody.

Patricia Brosco and Andrew Heffernan acted outside the scope of the law and their duties because they know that there is no statute, there is no case law or anything in the constitution that allows them to remove my state case to federal court or allows the federal courts to take over my state court prosecution and its jurisdiction.

Complaint on John Doe & Jane Doe

John Doe and Jane Doe are the two FBI agents who both conspired with others to violate my constitutional rights and to have me unlawfully imprisoned into federal custody. When detective Robert Trotta of the "S.C.P.D." unlawfully arrested me on December 8, 2010 and brought me into federal custody, he brought me to the FBI Office in Melville, New York and relinquished me over to John Doe and Jane Doe who also unlawfully placed me under arrest without probable cause or an arrest warrant for the same charge I was already arrested for on May 25, 2010 by the "S.C.P.D.".

The reason why I am using the names John Doe and Jane Doe is because I don't know the names of the federal agents at this time but I will get their names in the future and will let the courts know.

Complaint on Christopher C. Cafferone

Christopher C. Cafferone was the assistant United States Attorney prosecuting my case in federal court who intentionally conspired with others to violate my constitutional rights and to unlawfully keep me incarcerated in federal custody by intentionally prosecuting my case he knew he had no jurisdiction to prosecute in federal court because my state court prosecution and jurisdiction was not exhausted.

Christopher C. Cafferone knows that there is no statute, there is no case law or anything in the constitution that allows federal courts to take over a state court prosecution and its jurisdiction. He acted in bad faith and outside the scope of the law and his duties.

Complaint on Tracy Gaffey

Tracy Gaffey was my court appointed attorney on my case in federal court who intentionally conspired with others to violate my constitutional rights and to unlawfully keep me incarcerated in federal custody.

The Sixth Amendment imposes on counsel a duty to be loyal, a duty to investigate and to advocate the defendants cause. Mrs. Gaffey refused to investigate and advocate my cause (jurisdiction). Instead she intentionally conspired with others to violate my constitutional rights and to unlawfully keep me in federal custody.

Complaint on Honorable Joanna Seybert

The Honorable Joanna Seybert was the judge on my case in federal court who denied my motion on April 27, 2012 for lack of subject matter jurisdiction without reading my motion. Her ruling was not in accordance to law and also an abuse of power. She intentionally ignored my constitutional rights being violated, she intentionally ignored the well established law of "Comity" and she intentionally ignored Rule 40.1 of the Federal Rule and Criminal Procedure.

The Honorable Joanna Seybert knows there is no statue, no case law or anything in the constitution that allows a federal court to take over a state court jurisdiction therefore she conspired with others to violate my constitutional rights and to keep me unlawfully incarcerated in federal custody.

Constitutional Violations (4th, 10th, and 14th)

All parties acted outside the scope of the law and the scope of their duties to intentionally conspire with others to violate my 4th Amendment right (Unlawful Arrest) because on December 8, 2010 I was unlawfully arrested and brought into federal custody without probable cause or an arrest warrant pursuant to Rule 4 of the Federal Rule and Criminal Procedure.

All parties acted outside the scope of the law and the scope of their duties to intentionally conspire with others to violate my 10th Amendment right (Reserve Powers) because on December 8, 2010 the federal government unlawfully took over my state court prosecution and its jurisdiction interfering with state sovereignty. The constitution protects state sovereignty for the benefit of the individual and not for the benefit of the states or the state governments.

All parties acted outside the scope of the law and the scope of their duties to intentionally conspire with others to violate my 14th Amendment right (Due Process) because on or about November 17, 2010 me and my attorney filed a motion in state court for a suppression hearing to challenge the consent form signed by Tina Sarubbi giving the "S.C.P.D." permission to search her house and to suppress the drugs found on May 25, 2010.

I never got a chance to have my suppression hearing in state court or a chance to exercise my due process rights to a full and fair hearing in state court "guaranteed" to me pursuant to the 14th Amendment of the Constitution because on December 8, 2010 the federal government unlawfully took over my state court prosecution and its jurisdiction and bought me into federal custody where I have remained since.

The well established Law of Comity

Where a state court and a court of the United States may each take jurisdiction, the court that first acquires jurisdiction holds it to the exclusion of all other courts until its remedy and jurisdiction is exhausted and its judgement is satisfied.

Federal Rule and Criminal Procedure Rule 40.1

The amendment proposed by the Supreme Court to such Rules of Criminal Procedure adding a new rule designated as Rule 40.1 relating to a petition for removal of a criminal prosecution from a state court to an United States district court, is disapproved and shall not take effect.

Conclusion

All parties named in this law suit intentionally conspired with others to violate my constitutional rights, to violate the well established law of "Comity" and to ignore the Federal Rule and Criminal Procedure Rule 40.1. All parties are responsible for malicious prosecution and all parties are also responsible for my unlawful incarceration in federal custody because the federal court lacked subject matter jurisdiction to prosecute my case in federal court.

WHEREFORE, the plaintiff in this complaint prays this court awards compensatory damages for severe pain and suffering in the amount of \$150 Million dollars and punitive damages in the amount of \$150 Million dollars and also attorney and court fees.

Dated 8-1-12

Respectfully Submitted,

(signature) Maurice Copeland
Maurice Copeland

78745053
Prisoner Id No.